

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

ANTHONY BUCCI

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No. 04-cr-10194-RCL

**MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED**

The defendant complains that he was the victim of an unlawful search and seizure, and respectfully moves the Court to order the suppression of all the unlawfully obtained evidence in the possession of the government, to wit:

1. A quantity of a substance alleged to be cocaine.
2. A number of cellular telephones and "SIM" cards.
3. A sum of United States currency.
4. Various papers and miscellaneous items of personal property.
5. Any and all statements and/or admissions attributed to the defendant.
6. Any and all other evidence obtained as a direct or indirect result of the aforesaid search and seizure.

The search and seizure was made and the said evidence was obtained on May 20, 2004, at approximately 5:00 o'clock P.M. at Malden, Massachusetts by agents of the United States Drug Enforcement Administration and other law enforcement officers as a result of a warrantless search and seizure of a vehicle belonging to the defendant.

The search and seizure was unlawful because:

- A. The defendant did not consent thereto.
- B. The search was conducted without a warrant.
- C. The search was not conducted incident to a lawful arrest.
- D. There was no probable cause for the search.

- E. The search was not a lawful inventory search.
  - F. There were no exigent circumstances to justify a warrantless search.  
Any statements obtained from the defendant were obtained unlawfully because:
    - A. The defendant was not properly advised of his Fifth and Sixth Amendment rights prior to being interrogated.
    - B. The defendant was deprived of his rights to remain silent and to enjoy the advice of counsel.
    - C. The statements attributed to the defendant were not made voluntarily, but were the product of fear, duress, coercion, and deception on the part of law enforcement agents.
    - D. The defendant did not intelligently and voluntarily waive his Fifth and Sixth Amendment rights.
    - E. The defendant's statements were obtained as "the fruit of the poisonous tree."
- Therefore, the defendant respectfully says that the said evidence was obtained in violation of his rights under the Fourth, Fifth, and Sixth amendments to the Constitution of the United States.

#### **REQUEST FOR HEARING**

The defendant respectfully requests a hearing on this motion, and estimates that the length thereof will not exceed four hours.

#### **REQUEST FOR FINDINGS AND RULINGS**

The defendant respectfully requests that the Court enter written findings of fact and rulings of law with respect to its determination of the instant motion.

Anthony Bucci  
By his attorney,

/s/Michael F. Natola

May 6, 2005

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing motion has been served the above date, electronically, upon Assistant U.S. Attorney John T. McNeil.

/s/ Michael F. Natola

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